

**P2SSB 5313 (S-3068.4/19)** - S COMM AMD

By Committee on Ways &amp; Means

On page 4, after line 23, insert the following:

**"NEW SECTION. Sec. 3.** The legislature finds that full-time certificated staff in our state's K-12 public schools work a full-time job in a substantially compressed one hundred eighty-day traditional calendar. National and state research affirms that our K-12 teachers, teaching a full-time load, work in excess of one thousand six hundred fifty hours per year. These employees are not part-time workers as is often perceived by the public. Rather, these are full-time jobs on a compressed schedule, averaging nine and one-half hours per day of work.

Therefore, the legislature intends to define the full-time nature of this work in these time standards as part of the state's program of basic education.

**Sec. 4.** RCW 28A.400.200 and 2018 c 266 s 205 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Through the 2017-18 school year, salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service;

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service; and

(c) Beginning with the 2018-19 school year:

(i) Salaries for full-time certificated instructional staff must not be less than forty thousand dollars, to be adjusted for regional differences in the cost of hiring staff as specified in RCW

1 28A.150.410, and to be adjusted annually by the same inflationary  
2 measure as provided in RCW 28A.400.205;

3 (ii) Salaries for full-time certificated instructional staff with  
4 at least five years of experience must exceed by at least ten percent  
5 the value specified in (c)(i) of this subsection;

6 (iii) A district may not pay full-time certificated instructional  
7 staff a salary that exceeds ninety thousand dollars, subject to  
8 adjustment for regional differences in the cost of hiring staff as  
9 specified in RCW 28A.150.410. This maximum salary is adjusted  
10 annually by the inflationary measure in RCW 28A.400.205;

11 (iv) These minimum and maximum salaries apply to the services  
12 provided as part of the state's statutory program of basic education  
13 and exclude supplemental contracts for additional time,  
14 responsibility, or incentive pursuant to this section or for  
15 enrichment pursuant to RCW 28A.150.276;

16 (v) A district may pay a salary that exceeds this maximum salary  
17 by up to ten percent for full-time certificated instructional staff:  
18 Who are educational staff associates; who teach in the subjects of  
19 science, technology, engineering, or math; or who teach in the  
20 transitional bilingual instruction or special education programs.

21 (3)(a)(i) Through the 2017-18 school year the actual average  
22 salary paid to certificated instructional staff shall not exceed the  
23 district's average certificated instructional staff salary used for  
24 the state basic education allocations for that school year as  
25 determined pursuant to RCW 28A.150.410.

26 (ii) For the 2018-19 school year, salaries for certificated  
27 instructional staff are subject to the limitations in RCW 41.59.800.

28 (iii) Beginning with the 2019-20 school year, for purposes of  
29 ~~((subsection (4) of this section,))~~ RCW 28A.150.276~~((7))~~ and  
30 28A.505.100, each school district must annually identify the actual  
31 salary paid to each certificated instructional staff for services  
32 rendered as part of the state's program of basic education.

33 (b) Through the 2018-19 school year, fringe benefit contributions  
34 for certificated instructional staff shall be included as salary  
35 under (a)(i) of this subsection only to the extent that the  
36 district's actual average benefit contribution exceeds the amount of  
37 the insurance benefits allocation, less the amount remitted by  
38 districts to the health care authority for retiree subsidies,  
39 provided per certificated instructional staff unit in the state  
40 operating appropriations act in effect at the time the compensation

1 is payable. For purposes of this section, fringe benefits shall not  
2 include payment for unused leave for illness or injury under RCW  
3 28A.400.210; employer contributions for old age survivors insurance,  
4 workers' compensation, unemployment compensation, and retirement  
5 benefits under the Washington state retirement system; or employer  
6 contributions for health benefits in excess of the insurance benefits  
7 allocation provided per certificated instructional staff unit in the  
8 state operating appropriations act in effect at the time the  
9 compensation is payable. A school district may not use state funds to  
10 provide employer contributions for such excess health benefits.

11 (c) Salary and benefits for certificated instructional staff in  
12 programs other than basic education shall be consistent with the  
13 salary and benefits paid to certificated instructional staff in the  
14 basic education program.

15 (d) The professional responsibilities, time, and effort required  
16 to provide the state's statutory program of basic education exceed  
17 the required number of instructional hours specified in RCW  
18 28A.150.220. Therefore, the salaries described under subsection (2)  
19 of this section apply to services by certificated instructional staff  
20 that include but are not limited to:

21 (i) Preparations, planning, and coordination for the instruction  
22 of the state's statutory program of basic education;

23 (ii) Meeting and collaborating with parents, teachers, and staff  
24 regarding the state's statutory program of basic education; and

25 (iii) The evaluation of student learning from the instruction of  
26 the state's statutory program of basic education.

27 (4)(a) Salaries and benefits for certificated instructional staff  
28 may exceed the limitations in subsection (3) of this section only by  
29 separate contract for additional time, for additional  
30 responsibilities, or for incentives. Supplemental contracts shall not  
31 cause the state to incur any present or future funding obligation.  
32 Supplemental contracts must be accounted for by a school district  
33 when the district is developing its four-year budget plan under RCW  
34 28A.505.040.

35 (b) Supplemental contracts shall be subject to the collective  
36 bargaining provisions of chapter 41.59 RCW and the provisions of RCW  
37 28A.405.240, shall not exceed one year, and if not renewed shall not  
38 constitute adverse change in accordance with RCW 28A.405.300 through  
39 28A.405.380. No district may enter into a supplemental contract under  
40 this subsection for the provision of services which are a part of the

1 basic education program required by Article IX, section 1 of the  
2 state Constitution and RCW 28A.150.220.

3 (c)(i) Beginning September 1, 2019, supplemental contracts for  
4 certificated instructional staff are subject to the following  
5 additional restrictions: School districts may enter into supplemental  
6 contracts only for enrichment activities as defined in and subject to  
7 the limitations of RCW 28A.150.276, and must incorporate the  
8 provisions under subsection (3)(d) of this section.

9 (ii) For a supplemental contract, or portion of a supplemental  
10 contract, that is time-based, the hourly rate the district pays may  
11 not exceed the hourly rate provided to that same instructional staff  
12 ~~((for services)) under ((the basic education salary identified under~~  
13 ~~subsection (3)(a)(iii) of this section))~~ their base contract. For a  
14 supplemental contract, or portion of a supplemental contract that is  
15 not time-based, the contract must document the additional duties,  
16 responsibilities, or incentives that are being funded in the  
17 contract.

18 (5) Employee benefit plans offered by any district shall comply  
19 with RCW 28A.400.350, 28A.400.275, and 28A.400.280.

20 **Sec. 5.** RCW 41.59.105 and 2017 3rd sp.s. c 13 s 818 are each  
21 amended to read as follows:

22 (1) All collective bargaining agreements entered into between a  
23 school district employer and school district employees under this  
24 chapter after June 10, 2010, as well as bargaining agreements  
25 existing on June 10, 2010, but renewed or extended after June 10,  
26 2010, shall be consistent with RCW 28A.657.050.

27 (2) All collective bargaining agreements entered into between a  
28 school district employer and school district employees under this  
29 chapter shall be consistent with RCW 28A.400.280 and 28A.400.350, and  
30 must incorporate the provisions under RCW 28A.400.200(3)(d).

31 (3) Employee bargaining shall be initiated after July 1, 2018,  
32 over the dollar amount to be contributed beginning January 1, 2020,  
33 on behalf of each employee for health care benefits. Bargaining must  
34 subsequently be conducted in even-numbered years between the governor  
35 or governor's designee and one coalition of all the exclusive  
36 bargaining representatives impacted by benefit purchasing with the  
37 school employees' benefits board established in RCW 41.05.740,  
38 consistent with RCW 28A.400.280 and 28A.400.350. The coalition

1 bargaining must follow the model initially established for state  
2 employees in RCW 41.80.020.

3 (4) The governor shall submit a request for funds necessary to  
4 implement the collective bargaining agreement for the dollar amount  
5 to be expended for school employee health benefits, or for  
6 legislation necessary to implement the agreement. A request for funds  
7 shall not be submitted to the legislature by the governor unless such  
8 request:

9 (a) Has been submitted to the director of the office of financial  
10 management by October 1st prior to the legislative session at which  
11 the request is to be considered; and

12 (b) Has been certified by the director of the office of financial  
13 management as being feasible financially for the state.

14 The legislature shall approve or reject the submission of the  
15 request for funds. The legislature shall not consider a request for  
16 funds unless the request is transmitted to the legislature as part of  
17 the governor's budget document submitted under RCW 43.88.030 and  
18 43.88.060.

19 If the legislature rejects or fails to act on the submission,  
20 either party may reopen all or part of the agreement. However, if the  
21 director of the office of financial management does not certify a  
22 request under this section as being feasible financially for the  
23 state, the parties shall enter into collective bargaining solely for  
24 the purpose of reaching a mutually agreed upon modification of the  
25 agreement necessary to address the absence of those requested funds.  
26 The legislature may act upon the health care benefit provisions of  
27 the modified collective bargaining agreement if those provisions are  
28 agreed upon and submitted to the office of financial management and  
29 legislative budget committees before final legislative action on the  
30 biennial or supplemental operating budget. If the legislature rejects  
31 or fails to act on the submission, either party may reopen all or  
32 part of the agreement."

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33 On page 1, line 1 of the title, after "Relating to" strike the  
34 remainder of the title and insert "K-12 education; amending RCW

1 28A.500.015, 84.52.0531, 28A.400.200, and 41.59.105; and creating a  
2 new section."

EFFECT: (1) Defines the services expected of certificated instructional staff receiving salaries, including preparations, planning, and coordination of instruction, meeting and collaborating with parents, teachers, and staff, and evaluating student learning.

(2) Provides that supplemental contracts for certificated instructional staff must incorporate the defined services.

(3) Limits the hourly rate under a supplemental contract to the same hourly rate provided in the base contract.

(4) Requires that collective bargaining agreements incorporate the defined services expected of certificated instructional staff.

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